

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JEFFERY YATES,	}	
	}	
Plaintiff,	}	
	}	
vs.	}	No. 04-2836-Ma/An
	}	
CITY OF MEMPHIS, et al.,	}	
	}	
Defendants.	}	
	}	

ORDER CONSTRUING IRREGULAR MOTION AS MOTION FOR LEAVE TO AMEND
AND
ORDER DENYING MOTION FOR LEAVE TO AMEND

On July 18, 2005, plaintiff filed two documents, entitled "Motion to Join Parties and Motion to Order Service of Summon [sic] on Memphis Police Officer Vice Narcotic Mark Lucas" and "Memorandum in Support of Motion to Join Parties and Motion to Order Service of Summon [sic] on Defendant Memphis Police Vice/Narcotic Mark Lucas." The Court CONSTRUES these documents as a motion to amend the complaint to add Memphis Police Officer Mark Lucas as an additional defendant.

The certificate of service attached to the documents indicates that copies were not served on any defendant, as required by Fed. R. Civ. P. 5(a) & (d) and the Court's January 25, 2005 order. As a result, no defendant has responded to the motion. Because the motion was not served on the defendants and is not

accompanied by a proper certificate of service, the Clerk should not have filed it. The plaintiff's motion is DENIED.

IT IS SO ORDERED this 19th day of January, 2006.

s/ SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE